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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Carol A. Fadale,

**Case No.:**

**Plaintiff:**

**COMPLAINT FOR DAMAGES  
PURSUANT TO THE FAIR CREDIT  
REPORTING ACT, 15 U.S.C. § 1681,  
ET SEQ.**

**Equifax Information Services,  
LLC, Arizona Federal Credit  
Union, Wells Fargo Home  
Mortgage, American Express,  
Department Stores National  
Bank, and Citibank, N.A.,**

## **JURY TRIAL DEMANDED**

#### Defendants.

## INTRODUCTION

1. The United States Congress has found the banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods

1           undermine the public confidence, which is essential to the continued  
2           functioning of the banking system. Congress enacted the Fair Credit  
3           Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”), to insure fair and  
4           accurate reporting, promote efficiency in the banking system, and protect  
5           consumer privacy. The FCRA seeks to ensure consumer reporting agencies  
6           exercise their grave responsibilities with fairness, impartiality, and a respect  
7           for the consumer’s right to privacy because consumer reporting agencies  
8           have assumed such a vital role in assembling and evaluating consumer credit  
9           and other information on consumers. The FCRA also imposes duties on the  
10          sources that provide credit information to credit reporting agencies, called  
11          “furnishers.”

- 12         2. CAROL A. FADALE (“Plaintiff”), by Plaintiff’s attorneys, brings this  
13          action to challenge the actions of EQUIFAX INFORMATION SERVICES,  
14          LLC (“Equifax”), ARIZONA FEDERAL CREDIT UNION (“AFCU”),  
15          WELLS FARGO HOME MORTGAGE (“Wells Fargo”), AMERICAN  
16          EXPRESS (“AMEX”), DEPARTMENT STORES NATIONAL BANK  
17          (“DSNB”), and CITIBANK, N.A. (“CBNA”) (or jointly as “Defendants”)  
18          with regard to erroneous reports of derogatory and negative credit  
19          information made by Defendants to national reporting agencies, and for  
20          failure of Defendants to properly investigate, and this conduct caused  
21          Plaintiff damages.
- 22         3. Plaintiff makes these allegations on information and belief, with the  
23          exception of those allegations that pertain to Plaintiff, or to Plaintiff’s  
24          counsel, which Plaintiff alleges on personal knowledge.
- 25         4. While many violations are described below with specificity, this Complaint  
26          alleges violations of the statute cited in its entirety.
- 27         5. Unless otherwise stated, all the conduct engaged in by Defendants took  
28          place in Arizona.

- 1       6. Any violations by Defendants were knowing, willful, and intentional, and
- 2              Defendant did not maintain procedures reasonably adapted to avoid any such
- 3              violation.
- 4       7. Unless otherwise indicated, the use of Defendants' name in this Complaint
- 5              includes all agents, employees, officers, members, directors, heirs,
- 6              successors, assigns, principals, trustees, sureties, subrogees, representatives,
- 7              and insurers of Defendants' named.

#### **JURISDICTION AND VENUE**

- 8       8. This Court has federal question jurisdiction because this case arises out of
- 9              violation of federal law. 15 U.S.C. §1681 *et seq.*; 28 U.S.C. §1331;
- 10          Jurisdiction arises for Plaintiff's supplemental state claims under 28 U.S.C.
- 11          § 1367.
- 12       9. This action arises out of Defendants' violations of the Fair Credit Reporting
- 13          Act, 15 U.S.C. §§ 1681-1681(x) ("FCRA").
- 14       10. Venue is proper in the United States District Court for the District of
- 15          Arizona pursuant to 28 U.S.C. § 1391(b) because Plaintiff is a resident of
- 16          Maricopa County, the State of Arizona and Defendants are subject to
- 17          personal jurisdiction in the County of Maricopa, State of Arizona as they
- 18          conduct business there, and the conduct giving rise to this action occurred in
- 19          Arizona. 28 U.S.C. § 1391(b)(2).

#### **PARTIES**

- 21       11. Plaintiff is a natural person residing in the County of Maricopa, State of
- 22          Arizona. In addition, Plaintiff is a "consumer" as that term is defined by 15
- 23          U.S.C. § 1681a(c).
- 24       12. Defendant Equifax is a corporation doing business in the State of Arizona.
- 25       13. Defendant AFCU is a credit union doing business in the State of Arizona.
- 26       14. Defendant Wells Fargo is a company doing business in the State of Arizona.

15. Defendant AMEX is a corporation registered with the Arizona Secretary of state doing business in the State of Arizona.
  16. Defendant DSNB is a bank doing business in the State of Arizona.
  17. Defendant CBNA is a bank doing business in the State of Arizona.
  18. Defendants AFCU, Wells Fargo, AMEX, DSNB, and CBNA are furnishers of information as contemplated by 15 U.S.C. § 1681s-2(b) that regularly and in the ordinary course of business furnish information to a consumer credit reporting agency.
  19. Defendant Equifax is a national credit reporting agency, doing business in Arizona, with a principal place of business in Georgia.

## GENERAL ALLEGATIONS

20. At all times relevant, Plaintiff was an individual residing within the State of Arizona.
  21. At all times relevant, Defendants conducted business in the State of Arizona.
  22. On or about August 17, 2012, Plaintiff filed for Bankruptcy in the United States Bankruptcy Court for the District of Arizona. Plaintiff's case was assigned Case Number 2:12-bk-18542-SSC (the "Bankruptcy").
  23. The obligations ("Debt") to each defendant were scheduled in the Bankruptcy and Defendants, the Creditors, received notice of the Bankruptcy.
  24. On or about January 10, 2013, Plaintiff received a Bankruptcy discharge.
  25. None of the Defendants filed any proceedings to declare their Debt "non dischargeable" pursuant to 11 U.S.C. § 523 *et seq.*
  26. Defendants also did not request relief from the "automatic stay" codified at 11 U.S.C. §362 *et seq.* while the Plaintiff's Bankruptcy was pending to pursue the Plaintiff on any *personal* liability for any of the underlying Debts.
  27. Accordingly, the Debt to each defendant was discharged through the Bankruptcy.

- 1       28. Further, while the automatic stay was in effect during the Bankruptcy, it was  
2           illegal for any of the Defendants to report any post-Bankruptcy derogatory  
3           collection information.
- 4       29. Defendants' attempt to collect upon their respective Debt by reporting post-  
5           Bankruptcy derogatory information was therefore false or inaccurate and  
6           prohibited by the automatic stay or Discharge.
- 7       30. Plaintiff subsequently learned that each of the named Defendants reported  
8           post-Bankruptcy derogatory credit information regarding the obligations on  
9           Plaintiff's credit reports, thereby causing erroneous and negative credit  
information in Plaintiff's credit files.

10      **Arizona Federal Credit Union Misreported Credit Information**

- 11     31. In an Equifax credit report dated July 15, 2015, AFCU reported the  
12       following inaccurate, derogatory information:

- 13
- 14       • Account No. 303387XXXX: Post-bankruptcy information for  
15           the following dates: September 2012 (Date Major Delinquency  
16           First Reported).  
17       • Account No. 3033XXXX: Post-bankruptcy information for the  
18           following dates: September 2012 (Date Major Delinquency  
19           First Reported).

- 20
- 21     32. AFCU should not have reported derogatory information on Plaintiff's  
22       account after August 17, 2012, because Plaintiff filed for Bankruptcy on  
23       August 17, 2012.

- 24     33. On or about July 15, 2015, Plaintiff disputed AFCU's reported information  
25       regarding the Debt pursuant to 15 U.S.C. § 1681I(a)(2) by notifying Equifax,  
26       in writing, of the incorrect and inaccurate credit information furnished by  
AFCU.

1       34. Specifically, Plaintiff sent a letter, certified, return receipt, to Equifax (the  
2       “Equifax Dispute Letter”), requesting the above inaccurate and incorrect  
3       derogatory information be removed as follows:

- 4
- 5           • Account #303387XXXX: This account was discharged in my  
6           Bankruptcy which was filed on 08/17/2012 and discharged  
7           01/10/2013, bearing Case No. 2:12-bk-18542-SSC in the  
8           District for Arizona. There should be no derogatory reporting  
9           after the filing date. Specifically, please remove the derogatory  
10          information for the following post-bankruptcy dates: September  
11          2012 (Date Major Delinquency First Reported).
  - 12          • Account #3033XXXX: This account was discharged in my  
13          Bankruptcy which was filed on 08/17/2012 and discharged  
14          01/10/2013, bearing Case No. 2:12-bk-18542-SSC in the  
15          District for Arizona. There should be no derogatory reporting  
16          after the filing date. Specifically, please remove the derogatory  
17          information for the following post-bankruptcy dates: September  
18          2012 (Date Major Delinquency First Reported).

19       35. The Equifax Dispute Letter further requested that Equifax:

- 20
- 21           • Immediately delete this account and the disputed derogatory  
22           information from my credit report.
  - 23           • The discharged debt should be reported with an account balance  
24           of \$0 with a status of “current”.
  - 25           • Further, there should be no post-bankruptcy activity reported on  
26           this account. The date of last activity on this account should pre-  
27           date my bankruptcy filing date, 08/17/2012, since a default on this  
28           account occurred no later than the Bankruptcy filing date.

- 1 • Any post-bankruptcy derogatory information should be  
2 immediately deleted from [Plaintiff's] report.
- 3 • If [Equifax] do[es] not immediately delete this from  
4 [Plaintiff's] credit report, please include a 100-word statement in  
5 my credit report of all of the disputed information contained in this  
6 letter regarding this account.

7  
8 36. Upon information and belief, Equifax timely notified AFCU of Plaintiff's  
9 dispute, but AFCU continued reporting derogatory information.

10 37. AFCU and Equifax were required to conduct a reinvestigation into this  
11 specific account on Plaintiff's consumer report pursuant to 15 U.S.C.  
12 §1681i.

13 38. On or about August 7, 2015, Plaintiff received notification from Equifax that  
14 AFCU and Equifax received notice of Plaintiff's dispute pursuant to 15  
15 U.S.C. § 1681i(a)(6), and Defendants verified that both accounts do not  
16 "report any late payments."

17 39. Surprisingly, rather than remove all the derogatory information from  
18 Plaintiff's report, AFCU and Equifax simply left derogatory information on  
19 Plaintiff's report. Specifically, AFCU and Equifax reported the following  
20 inaccurate, derogatory information:

- 21 • Account No. 303387XXXX: Post-bankruptcy information for  
22 the following dates: September 2012 (Date Major Delinquency  
23 First Reported).
- 24 • Account No. 3033XXXX: Post-bankruptcy information for the  
25 following dates: September 2012 (Date Major Delinquency  
26 First Reported).

40. AFCU and Equifax, upon receipt of Plaintiff's dispute, failed to conduct an investigation with respect to the disputed information as required by 15 U.S.C. § 1681s-2(b)(1)(A).

41. AFCU and Equifax failed to review all relevant information provided by Plaintiff in the dispute to Equifax, as required by and in violation of 15 U.S.C. § 1681s-2(b)(1)(B).

42. Due to AFCU and Equifax's failure to investigate, they each further failed to correct and update Plaintiff's information as required by 15 U.S.C. § 1681s-2(b)(1)(E), thereby causing continued reporting of inaccurate information in violation of 15 U.S.C. § 1681-s(2)(b)(1)(C).

43. Plaintiff's continued efforts to correct AFCU and Equifax's erroneous and negative reporting of the Debt by communicating Plaintiff's dispute with AFCU and Equifax were fruitless.

44. AFCU and Equifax's continued inaccurate and negative reporting of the Debt in light of its knowledge of the actual error was willful.

45. AFCU and Equifax's inaccurate and negative reporting damaged Plaintiff's creditworthiness.

46. By inaccurately reporting account information relating to the Debt after notice and confirmation of its errors, AFCU and Equifax failed to take the appropriate measures as determined in 15 U.S.C. §§ 1681-s(2)(b)(1)(D) and (E).

## **Wells Fargo Home Mortgage Misreported Credit Information**

47. In an Equifax credit report dated July 15, 2015, Wells Fargo reported the following inaccurate, derogatory information:

- Account #708019682XXXX: Post-bankruptcy information for the following dates: September 2012 (Date Major Delinquency First Reported).

1       48. Wells Fargo should not have reported derogatory information on Plaintiff's  
2       account after August 17, 2012, because Plaintiff filed for Bankruptcy on  
3       August 17, 2012.

4       49. On or about July 15, 2015, Plaintiff disputed Wells Fargo's reported  
5       information regarding the Debt pursuant to 15 U.S.C. § 1681I(a)(2) by  
6       notifying Equifax, in writing, of the incorrect and inaccurate credit  
7       information furnished by Wells Fargo.

8       50. Specifically, Plaintiff sent a letter, certified, return receipt, to Equifax (the  
9       “Equifax Dispute Letter”), requesting the above inaccurate and incorrect  
10      derogatory information be removed as follows:

- 11             • This account was discharged in my Bankruptcy which was filed  
12       on 08/17/2012 and discharged 01/10/2013, bearing Case No.  
13       2:12-bk-18542-SSC in the District for Arizona. There should  
14       be no derogatory reporting after the filing date. Specifically,  
15       please remove the derogatory information for the following  
16       post-bankruptcy dates: September 2012 (Date Major  
17       Delinquency First Reported).

18  
19       51. The Equifax Dispute Letter further requested that Equifax:

- 20  
21             • Immediately delete this account and the disputed derogatory  
22       information from [Plaintiff's] credit report.  
23             • The discharged debt should be reported with an account balance  
24       of \$0 with a status of “current”.  
25             • Further, there should be no post-bankruptcy activity reported on  
26       this account. The date of last activity on this account should pre-  
27       date my bankruptcy filing date, 08/17/2012, since a default on this  
28       account occurred no later than the Bankruptcy filing date.

- 1        • Any post-bankruptcy derogatory information should be  
2              immediately deleted from [Plaintiff's] report.
- 3        • If [Equifax] do[es] not immediately delete this from  
4              [Plaintiff's] credit report, please include a 100-word statement in  
5              my credit report of all of the disputed information contained in this  
6              letter regarding this account.

7              52. Upon information and belief, Equifax timely notified Wells Fargo of  
8              Plaintiff's dispute, but Wells Fargo continued reporting derogatory  
9              information.

10             53. Wells Fargo and Equifax were required to conduct a reinvestigation into this  
11              specific account on Plaintiff's consumer report pursuant to 15 U.S.C.  
12              §1681i.

13             54. On or about August 7, 2015, Plaintiff received notification from Equifax that  
14              Wells Fargo and Equifax received notice of Plaintiff's dispute pursuant to 15  
15              U.S.C. § 1681i(a)(6), and verified the account does not "report any late  
16              payments."

17             55. Surprisingly, rather than remove all the derogatory information from  
18              Plaintiff's report, Wells Fargo and Equifax simply left derogatory  
19              information on Plaintiff's report. Specifically, Wells Fargo and Equifax  
20              reported the following inaccurate, derogatory information:

- 21
- 22        • Account #708019682XXXX: Post-bankruptcy information for  
23              the following dates: September 2012 (Date Major Delinquency  
24              First Reported).

25             56. Wells Fargo and Equifax, upon receipt of Plaintiff's dispute, failed to  
26              conduct an investigation with respect to the disputed information as required  
27              by 15 U.S.C. § 1681s-2(b)(1)(A).

57. Wells Fargo and Equifax failed to review all relevant information provided by Plaintiff in the dispute to Equifax, as required by and in violation of 15 U.S.C. § 1681s-2(b)(1)(B).

58. Due to Wells Fargo and Equifax's failure to investigate, they each further failed to correct and update Plaintiff's information as required by 15 U.S.C. § 1681s-2(b)(1)(E), thereby causing continued reporting of inaccurate information in violation of 15 U.S.C. § 1681-s(2)(b)(1)(C).

59. Plaintiff's continued efforts to correct Wells Fargo and Equifax's erroneous and negative reporting of the Debt by communicating Plaintiff's dispute with Wells Fargo and Equifax were fruitless.

60. Wells Fargo and Equifax's continued inaccurate and negative reporting of the Debt in light of its knowledge of the actual error was willful.

61. Wells Fargo and Equifax's inaccurate and negative reporting damaged Plaintiff's creditworthiness.

62. By inaccurately reporting account information relating to the Debt after notice and confirmation of its errors, Wells Fargo and Equifax failed to take the appropriate measures as determined in 15 U.S.C. §§ 1681-s(2)(b)(1)(D) and (E).

## American Express Misreported Credit Information

63. In an Equifax credit report dated July 15, 2015, AMEX reported the following inaccurate, derogatory information:

- Account #349991093639XXXX: Post-bankruptcy information for the following dates: September 2012 (Date Major Delinquency First Reported).

64. AMEX should not have reported derogatory information on Plaintiff's account after August 17, 2012, because Plaintiff filed for Bankruptcy on August 17, 2012.

1       65. On or about July 15, 2015, Plaintiff disputed AMEX's reported information  
2       regarding the Debt pursuant to 15 U.S.C. § 1681I(a)(2) by notifying Equifax,  
3       in writing, of the incorrect and inaccurate credit information furnished by  
4       AMEX.

5       66. Specifically, Plaintiff sent a letter, certified, return receipt, to Equifax (the  
6       “Equifax Dispute Letter”), requesting the above inaccurate and incorrect  
7       derogatory information be removed as follows:

- 8             • This account was discharged in my Bankruptcy which was filed  
9             on 08/17/2012 and discharged 01/10/2013, bearing Case No.  
10            2:12-bk-18542-SSC in the District for Arizona. There should  
11            be no derogatory reporting after the filing date. Specifically,  
12            please remove the derogatory information for the following  
13            post-bankruptcy dates: September 2012 (Date Major  
14            Delinquency First Reported).

15  
16       67. The Equifax Dispute Letter further requested that Equifax:

- 17  
18             • Immediately delete this account and the disputed derogatory  
19             information from [Plaintiff's] credit report.  
20             • The discharged debt should be reported with an account balance  
21             of \$0 with a status of “current”.  
22             • Further, there should be no post-bankruptcy activity reported on  
23             this account. The date of last activity on this account should pre-  
24             date my bankruptcy filing date, 08/17/2012, since a default on this  
25             account occurred no later than the Bankruptcy filing date.  
26             • Any post-bankruptcy derogatory information should be  
27             immediately deleted from [Plaintiff's] report.

- 1           • If [Equifax] do[es] not immediately delete this from  
2 [Plaintiff's] credit report, please include a 100-word statement in  
3 my credit report of all of the disputed information contained in this  
4 letter regarding this account.

5           68. Upon information and belief, Equifax timely notified AMEX of Plaintiff's  
6 dispute, but AMEX continued reporting derogatory information.

7           69. AMEX and Equifax were required to conduct a reinvestigation into this  
8 specific account on Plaintiff's consumer report pursuant to 15 U.S.C.  
9 §1681i.

10          70. On or about August 7, 2015, Plaintiff received notification from Equifax that  
11 AMEX and Equifax received notice of Plaintiff's dispute pursuant to 15  
12 U.S.C. § 1681i(a)(6), and verified the account does not "report any late  
13 payments."

14          71. Surprisingly, rather than remove all the derogatory information from  
15 Plaintiff's report, AMEX and Equifax simply left derogatory information on  
16 Plaintiff's report. Specifically, AMEX and Equifax reported the following  
17 inaccurate, derogatory information:

- 18           • Account #349991093639XXXX: Post-bankruptcy information  
19 for the following dates: September 2012 (Date Major  
20 Delinquency First Reported).

22          72. AMEX and Equifax, upon receipt of Plaintiff's dispute, failed to conduct an  
23 investigation with respect to the disputed information as required by 15  
24 U.S.C. § 1681s-2(b)(1)(A).

25          73. AMEX and Equifax failed to review all relevant information provided by  
26 Plaintiff in the dispute to Equifax, as required by and in violation of 15  
27 U.S.C. § 1681s-2(b)(1)(B).

- 1       74. Due to AMEX and Equifax's failure to investigate, they each further failed  
2       to correct and update Plaintiff's information as required by 15 U.S.C. §  
3       1681s-2(b)(1)(E), thereby causing continued reporting of inaccurate  
4       information in violation of 15 U.S.C. § 1681-s(2)(b)(1)(C).
- 5       75. Plaintiff's continued efforts to correct AMEX and Equifax's erroneous and  
6       negative reporting of the Debt by communicating Plaintiff's dispute with  
7       AMEX and Equifax were fruitless.
- 8       76. AMEX and Equifax's continued inaccurate and negative reporting of the  
9       Debt in light of its knowledge of the actual error was willful.
- 10      77. AMEX and Equifax's inaccurate and negative reporting damaged Plaintiff's  
11       creditworthiness.
- 12      78. By inaccurately reporting account information relating to the Debt after  
13       notice and confirmation of its errors, AMEX and Equifax failed to take the  
14       appropriate measures as determined in 15 U.S.C. §§ 1681-s(2)(b)(1)(D) and  
15       (E).

**Department Stores National Bank Misreported Credit Information**

- 16      79. In an Equifax credit report dated July 15, 2015, DSNB reported the  
17       following inaccurate, derogatory information:
- 18
- 19       • Account #37748112271XXXX: Post-bankruptcy information  
20       for the following dates: September 2012 (Date Major  
21       Delinquency First Reported).
- 22
- 23      80. DSNB should not have reported derogatory information on Plaintiff's  
24       account after August 17, 2012, because Plaintiff filed for Bankruptcy on  
25       August 17, 2012.
- 26      81. On or about July 15, 2015, Plaintiff disputed DSNB's reported information  
27       regarding the Debt pursuant to 15 U.S.C. § 1681I(a)(2) by notifying Equifax,

1           in writing, of the incorrect and inaccurate credit information furnished by  
2           DSNB.

3       82. Specifically, Plaintiff sent a letter, certified, return receipt, to Equifax (the  
4           “Equifax Dispute Letter”), requesting the above inaccurate and incorrect  
5           derogatory information be removed as follows:

- 6
- 7           • This account was discharged in my Bankruptcy which was filed  
8           on 08/17/2012 and discharged 01/10/2013, bearing Case No.  
9           2:12-bk-18542-SSC in the District for Arizona. There should  
10          be no derogatory reporting after the filing date. Specifically,  
11          please remove the derogatory information for the following  
12          post-bankruptcy dates: September 2012 (Date Major  
13           Delinquency First Reported).

14       83. The Equifax Dispute Letter further requested that Equifax:

- 15
- 16           • Immediately delete this account and the disputed derogatory  
17          information from [Plaintiff’s] credit report.
- 18           • The discharged debt should be reported with an account balance  
19          of \$0 with a status of “current”.
- 20           • Further, there should be no post-bankruptcy activity reported on  
21          this account. The date of last activity on this account should pre-  
22          date my bankruptcy filing date, 08/17/2012, since a default on this  
23          account occurred no later than the Bankruptcy filing date.
- 24           • Any post-bankruptcy derogatory information should be  
25          immediately deleted from [Plaintiff’s] report.
- 26           • If [Equifax] do[es] not immediately delete this from  
27          [Plaintiff’s] credit report, please include a 100-word statement in

1 my credit report of all of the disputed information contained in this  
2 letter regarding this account.

3  
4 84. Upon information and belief, Equifax timely notified DSNB of Plaintiff's  
dispute, but DSNB continued reporting derogatory information.

5  
6 85. DSNB and Equifax were required to conduct a reinvestigation into this  
specific account on Plaintiff's consumer report pursuant to 15 U.S.C.  
7 §1681i.

8  
9 86. On or about August 7, 2015, Plaintiff received notification from Equifax that  
DSNB and Equifax received notice of Plaintiff's dispute pursuant to 15  
10 U.S.C. § 1681i(a)(6), and verified the account does not "report any late  
11 payments."

12  
13 87. Surprisingly, rather than remove all the derogatory information from  
Plaintiff's report, DSNB and Equifax simply left derogatory information on  
14 Plaintiff's report. Specifically, DSNB and Equifax reported the following  
15 inaccurate, derogatory information:

- 16
- 17 • Account #37748112271XXXX: Post-bankruptcy information  
18 for the following dates: September 2012 (Date Major  
19 Delinquency First Reported).

20  
21 88. DSNB and Equifax, upon receipt of Plaintiff's dispute, failed to conduct an  
investigation with respect to the disputed information as required by 15  
22 U.S.C. § 1681s-2(b)(1)(A).

23  
24 89. DSNB and Equifax failed to review all relevant information provided by  
Plaintiff in the dispute to Equifax, as required by and in violation of 15  
25 U.S.C. § 1681s-2(b)(1)(B).

26  
27 90. Due to DSNB and Equifax's failure to investigate, they each further failed to  
correct and update Plaintiff's information as required by 15 U.S.C. § 1681s-

1           2(b)(1)(E), thereby causing continued reporting of inaccurate information in  
2           violation of 15 U.S.C. § 1681-s(2)(b)(1)(C).

- 3           91. Plaintiff's continued efforts to correct DSNB and Equifax's erroneous and  
4           negative reporting of the Debt by communicating Plaintiff's dispute with  
5           DSNB and Equifax were fruitless.  
6           92. DSNB and Equifax's continued inaccurate and negative reporting of the  
7           Debt in light of its knowledge of the actual error was willful.  
8           93. DSNB and Equifax's inaccurate and negative reporting damaged Plaintiff's  
9           creditworthiness.  
10          94. By inaccurately reporting account information relating to the Debt after  
11         notice and confirmation of its errors, DSNB and Equifax failed to take the  
12         appropriate measures as determined in 15 U.S.C. §§ 1681-s(2)(b)(1)(D) and  
13         (E).

14           **Citibank, N.A. Misreported Credit Information**

- 15          95. In an Equifax credit report dated July 15, 2015, CBNA reported the  
16         following inaccurate, derogatory information:  
17           • Account #504994852605XXXX: Post-bankruptcy information  
18           for the following dates: September 2012 (Date Major  
19           Delinquency First Reported).  
20  
21          96. CBNA should not have reported derogatory information on Plaintiff's  
22         account after August 17, 2012, because Plaintiff filed for Bankruptcy on  
23         August 17, 2012.  
24          97. On or about July 15, 2015, Plaintiff disputed CBNA's reported information  
25         regarding the Debt pursuant to 15 U.S.C. § 1681I(a)(2) by notifying Equifax,  
26         in writing, of the incorrect and inaccurate credit information furnished by  
27         CBNA.  
28

1       98. Specifically, Plaintiff sent a letter, certified, return receipt, to Equifax (the  
2       “Equifax Dispute Letter”), requesting the above inaccurate and incorrect  
3       derogatory information be removed as follows:

- 4
- 5       • This account was discharged in my Bankruptcy which was filed  
6       on 08/17/2012 and discharged 01/10/2013, bearing Case No.  
7       2:12-bk-18542-SSC in the District for Arizona. There should  
8       be no derogatory reporting after the filing date. Specifically,  
9       please remove the derogatory information for the following  
10      post-bankruptcy dates: September 2012 (Date Major  
11      Delinquency First Reported).

12       99. The Equifax Dispute Letter further requested that Equifax:

- 13
- 14       • Immediately delete this account and the disputed derogatory  
15       information from [Plaintiff’s] credit report.
- 16       • The discharged debt should be reported with an account balance  
17       of \$0 with a status of “current”.
- 18       • Further, there should be no post-bankruptcy activity reported on  
19       this account. The date of last activity on this account should pre-  
20       date my bankruptcy filing date, 08/17/2012, since a default on this  
21       account occurred no later than the Bankruptcy filing date.
- 22       • Any post-bankruptcy derogatory information should be  
23       immediately deleted from [Plaintiff’s] report.
- 24       • If [Equifax] do[es] not immediately delete this from  
25       [Plaintiff’s] credit report, please include a 100-word statement in  
26       my credit report of all of the disputed information contained in this  
27       letter regarding this account.

1       100. Upon information and belief, Equifax timely notified CBNA of  
2 Plaintiff's dispute, but CBNA continued reporting derogatory information.

3       101. CBNA and Equifax were required to conduct a reinvestigation into  
4 this specific account on Plaintiff's consumer report pursuant to 15 U.S.C.  
5 §1681i.

6       102. On or about August 7, 2015, Plaintiff received notification from  
7 Equifax that CBNA and Equifax received notice of Plaintiff's dispute  
8 pursuant to 15 U.S.C. § 1681i(a)(6), and verified the account does not "report  
any late payments."

9       103. Surprisingly, rather than remove all the derogatory information from  
10 Plaintiff's report, CBNA and Equifax simply left derogatory information on  
11 Plaintiff's report. Specifically, CBNA and Equifax reported the following  
12 inaccurate, derogatory information:

- 13
- 14           • Account #504994852605XXXX: Post-bankruptcy information  
15           for the following dates: September 2012 (Date Major  
16           Delinquency First Reported).

17

18       104. CBNA and Equifax, upon receipt of Plaintiff's dispute, failed to  
19           conduct an investigation with respect to the disputed information as required  
20           by 15 U.S.C. § 1681s-2(b)(1)(A).

21       105. CBNA and Equifax failed to review all relevant information provided  
22           by Plaintiff in the dispute to Equifax, as required by and in violation of 15  
23           U.S.C. § 1681s-2(b)(1)(B).

24       106. Due to CBNA and Equifax's failure to investigate, they each further  
25           failed to correct and update Plaintiff's information as required by 15 U.S.C.  
26           § 1681s-2(b)(1)(E), thereby causing continued reporting of inaccurate  
27           information in violation of 15 U.S.C. § 1681s-2(b)(1)(C).

1 107. Plaintiff's continued efforts to correct CBNA and Equifax's erroneous  
2 and negative reporting of the Debt by communicating Plaintiff's dispute  
3 with CBNA and Equifax were fruitless.

4 108. CBNA and Equifax's continued inaccurate and negative reporting of  
5 the Debt in light of its knowledge of the actual error was willful.

6 109. CBNA and Equifax's inaccurate and negative reporting damaged  
7 Plaintiff's creditworthiness.

8 110. By inaccurately reporting account information relating to the Debt  
9 after notice and confirmation of its errors, CBNA and Equifax failed to take  
10 the appropriate measures as determined in 15 U.S.C. §§ 1681-s(2)(b)(1)(D)  
and (E).

11

**FIRST CAUSE OF ACTION**  
**VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
**15 U.S.C. § 1681 ET SEQ. (FCRA)**

12

13

14

15

16 111. Plaintiff incorporates by reference all of the above paragraphs of this  
17 Complaint as though fully stated herein.

18 112. The foregoing acts and omissions constitute numerous and multiple  
19 willful, reckless or negligent violations of the FCRA, including but not  
20 limited to each and every one of the above-cited provisions of the FCRA, 15  
21 U.S.C § 1681.

22 113. As a result of each and every willful violation of the FCRA, Plaintiff  
23 is entitled to actual damages as the Court may allow pursuant to 15 U.S.C. §  
24 1681n(a)(1); statutory damages pursuant to 15 U.S.C. § 1681n(a)(1);  
25 punitive damages as the Court may allow pursuant to 15 U.S.C. §  
26 1681n(a)(2); and reasonable attorney's fees and costs pursuant to 15 U.S.C.  
27 § 1681n(a)(3) from Defendants.

114. As a result of each and every negligent noncompliance of the FCRA,  
Plaintiff is entitled to actual damages as the Court may allow pursuant to 15  
U.S.C. § 1681o(a)(1); and reasonable attorney's fees and costs pursuant to  
15 U.S.C. § 1681o(a)(2) from Defendants.

## **PRAYER FOR RELIEF**

Plaintiff respectfully requests the Court grant Plaintiff the following relief against Defendants:

## **FIRST CAUSE OF ACTION**

# **VIOLATION OF THE FAIR CREDIT REPORTING ACT**

## **15 U.S.C. § 1681 ET SEQ. (FCRA)**

- an award of actual damages pursuant to 15 U.S.C. § 1681n(a)(1);
  - award of statutory damages pursuant to 15 U.S.C. § 1681n(a)(1);
  - an award of punitive damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(2);
  - award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1681n(a)(3), and 15 U.S.C. § 1681(o)(a)(1) against Defendants for each incident of negligent noncompliance of the FCRA; and
  - any other relief the Court may deem just and proper.

## TRIAL BY JURY

115. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: September 11, 2015

Respectfully submitted,

BY: /S/ RYAN L. McBRIDE  
RYAN L. McBRIDE, ESQ.  
ATTORNEY FOR PLAINTIFF